

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CAROL J. HOWARD,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:13CV189
(Judge Keeley)

CITY OF CLARKSBURG,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 18]

On August 21, 2013, the pro se plaintiff, Carol J. Howard ("Howard"), filed a complaint in this matter, which the Court referred to United States Magistrate Judge John S. Kaull for initial screening and a Report and Recommendation ("R&R") in accordance with LR PL P 2. On September 5, 2013, the defendant, City of Clarksburg, filed a motion to dismiss the plaintiff's complaint for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. (Dkt. No. 13). Howard responded to the motion on October 8, 2014. (Dkt. No. 16).

On December 3, 2013, Magistrate Judge Kaull issued a R&R, in which he recommended that the City of Clarksburg's motion to dismiss be granted and Howard's complaint be dismissed. (Dkt. No. 18).¹ The magistrate judge found that Howard's claims were barred by the doctrines of *res judicata* and *Rooker-Feldman*. Id.

¹ On December 30, 2013, the Court received notice that the copy of the R&R sent to Howard via certified mail was returned as unclaimed. (Dkt. No. 19). Pursuant to Local Rule of Procedure 6, Howard is required to notify the Court of any changes in address, but she has failed to do so.

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The R&R also specifically warned Howard that her failure to object to the recommendation would result in the waiver of any appellate rights she might otherwise have on this issue. The parties did not file any objections.² Consequently, finding no clear error, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 18-1), **GRANTS** the motion to dismiss (dkt. no. 13), and **ORDERS** that this case be **DISMISSED WITH PREJUDICE** and stricken from the Court's active docket.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se plaintiff, certified mail, return receipt requested.

Dated: March 18, 2014.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

² The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).